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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSEANNE SAKAMOTO,
Plaintiff,
v.
STEPHEN JOHNSON, Administrator, U.S.
Environmental Protection Agency,
Defendant.

No. C 03-5499 SI

**ORDER DENYING PLAINTIFF'S
MOTION TO AMEND SUMMARY
JUDGMENT ORDER**

Plaintiff has filed a motion to amend the Court's October 23, 2006 Order Denying Defendant's Motion for Summary Judgment on Equal Pay Act Claim. Plaintiff contends that the order incorrectly states that plaintiff bears the burden of proof at trial to establish her Equal Pay Act Claim. However, as the order clearly states, plaintiff bears the burden of proof to establish a *prima facie* case. *See* Order at 5:2-10. If plaintiff is able to establish a *prima facie* case, the burden will shift to defendant to show that the disparity in pay is due to a factor other than sex. *See Stanley v. University of Southern California*, 178 F.3d 1069, 1075 (9th Cir. 1999). Because the Court's order contains no error in its statement of the law, the Court DENIES plaintiff's motion. (Docket No. 381).

IT IS SO ORDERED.

Dated: November 2, 2006



SUSAN ILLSTON
United States District Judge